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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,371	01/18/2007	Ulrich Braun	VOSS1200	5966
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DLA PIPER LLP (US) 4365 EXECUTIVE DRIVE SUITE 1100 SAN DIEGO, CA 92121-2133				
EXAMINER				
ANDERSON, DENISE R				
ART UNIT		PAPER NUMBER		
1797				
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02/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,371

Applicant(s)

BRAUN, ULRICH

Examiner

Denise R. Anderson

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.
2. The species are as follows:

<i>Species</i>	<i>Corresponding Drawing Figures</i>
1	1-2
2	3
3	4
4	5
5	6

3. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.
4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).
5. Applicant filed in the European Patent Office and that application published as WO 2004/110935 A1 on December 23, 2004. While the application is in German, an

English translation of the European examiner's search report appears on page 57 of the application and an excerpt is shown below.

The current independent claims 1 and 26 are so unclear (PCT Article 6) as to make a meaningful search impossible: due to the many ands and ors, it is difficult to determine the subject matter for which protection is sought. The search was therefore directed to the parts of the claims that can be considered clear and concise, namely a method and apparatus for separate detection of split streams of household waste water, the desalination of a split stream and reuse thereof.

6. The European examiner's comments carry over to the English translation of claims 1 and 26. The claims appear below.

Claim 1. Method for treatment and loop-processing of waste waters comprising the steps as follows:

- (a) separate collection of the partial streams grey water, or one or more of the partial streams thereof and black water or brown water and yellow water, and*
- (b) desalination of a part or total parts of at least one of the separated collected partial streams of (a), and*
- (c) reuse of the desalinated liquid phase of (b) to*
 - (c.i) collection of black water or brown water and/or yellow water in (a), or*
 - (c.ii) other uses, and*
- (d) repetition of the steps (a) to (c) one or more times.*

Claim 26. Device for treatment and loop-processing of waste waters comprising the means as follows:

- (a) a means for the separate collection of the partial streams black water or brown water and yellow water, and*
- (b) a means for the desalination of a part or total parts of at least one of the separated collected partial streams of (a), and*
- (c) a means for the use of the desalinated liquid phase of (b) to*
 - (c.i) collection of black water or brown water and/or yellow water in (a), or*
 - (c.ii) other uses, and (d) a means for the repetition of the steps (a) to (c) one or more times.*

7. The inventor and the attorney are in the best position to know what protection is being sought. In the meantime, this examiner will move the prosecution along such that the applicant can choose a species based on the figures and the attorney can amend the claims accordingly. The claims are deemed to correspond to the species listed above in the following manner. Claims 1 and 26 are generic.

Species	Corresponding Drawing Figures	Claims
1	1-2	2,3,4,12,13,14,15,19,20,21,25 27,28,29,37,38,39,40,44,45,46,50
2	3	5,6,16 30,31,41
3	4	7 32
4	5	8,9,10,18,24 33,34,35,43,49
5	6	11,17,22,23 36,42,47,48

8. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: As the European examiner did in the search report excerpt above, this examiner interpreted claims 1 and 26 to be a method and apparatus for separate collection of split streams of household waste water, the desalination of a split stream and reuse thereof. Braun (U.S. Patent Pub. No. 2003/0070986 A1, Apr. 17, 2003) discloses this. Specifically, Braun discloses "the treatment and **recycling** of the separately collected waste water streams." Braun, ¶ 2, lines 1-2. Braun claims:

*Claim 1. A **process** for utilizing waste waters, which comprises the following steps:*

- (a) **separate collection** of gray water and/or black water; and*
- (b) membrane filtration of the gray water separately collected in (a) and/or solids/liquid separation of the black water separately collected in (a).*

Claim 2. The process according to claim 1 for producing potable water from gray water or one or more of its partial streams, which comprises the following steps:

- (a) separate collection of gray water or one or more of its partial streams; and*
- (b) membrane filtration of the gray water separately collected in (a) or one or more of its partial streams.*

Claim 3. The process according to claim 2, wherein membrane filtration is carried out by reverse osmosis or ultrafiltration or microfiltration.

*Claim 4. The process according to claim 3, wherein ultrafiltration or microfiltration is followed by **desalinization**.*

*Claim 28. The **apparatus** for carrying out the process according to any one of claims 2 to 13, said apparatus comprising a separator in which the process steps characterized in claims 2 to 13 are carried out.*

9. In summary, Braun discloses the special technical feature of the claimed invention; namely, a **method** and **apparatus** for **separate collection** of split streams of household waste water, the **desalination** of a split stream and **reuse** thereof.

10. According to MPEP 812.01 on telephone restriction practice, "[N]o telephone communication need be made where the requirement for restriction is complex." Here there are five species from which to choose and this complexity led to a written restriction / election.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise R. Anderson whose telephone number is (571)270-3166. The examiner can normally be reached on Monday through Thursday, from 8:00 am to 6:00 pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter D. Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRA

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797